



Honorable Linda B. Riegle  
United States Bankruptcy Judge



Entered on Docket  
February 13, 2012

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
CHAPTER 11

**Order Sustaining Objection of USACM  
Liquidating Trust to Pete Monighetti Proof of  
Claim No. 10725-01208 in the amount of  
\$1,509,963.55**

Hearing Date: October 18, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the Objection Of USACM Liquidating Trust To Proof Of Claim No. 10725-01208 in the amount of \$1,509,963.55 filed by Pete Monighetti [DE 9111] (the "Objection"), and the modification to the objection [DE 9125] at the hearing held on October 18, 2011. Appropriate notice of the Objection having was given and no response to the Objection was filed. Pete Monighetti did not appear at the hearing.

1 Proof of Claim 10725-01208 ("POC 01208") filed by Pete Monighetti is based  
2 upon an investment in multiple loans. The Trust has disallowed portions of this claim by  
3 prior orders of this Court. The unresolved portion of POC 1208 is based upon  
4 investments in: the SVRB 4.5 Loan; the Copper Sage Phase II Loan; and the HFAH  
5 Asylum Loan.

6 Good cause not appearing, it is

7 **ORDERED that as to POC 1208:**

- 8 1. The Objection [DE 9111] is sustained;
- 9 2. The portion related to the SVRB \$4.5 Loan in the amount of \$31,646.26 is  
10 disallowed in its entirety;
- 11 3. The \$50,000 portion related to an investment in Copper Sage II Loan is  
12 hereby allowed as an unsecured non-priority claim;
- 13 4. The portion related to an investment in HFAH Asylum Loan of \$50,000 is  
14 hereby 30% allowed (\$15,000) and 70% disallowed (\$35,000).
- 15 5. Based upon the allowed non-priority unsecured claim (\$65,000), the  
16 USACM Trust is hereby directed to make a 4.92% distribution (\$3,198.00) to Pete  
17 Monighetti as the pro rata share of the funds reserved by the Trust from the initial creditor  
18 distribution. All other funds reserved for the Monighetti claim will be released from the  
19 Disputed Claims Reserve and made available to the Trust for whatever purpose is  
20 appropriate in the administration of the Trust.
- 21 6. Pete Monighetti will share in future distributions pro rata based upon the  
22 allowed claim of \$65,000;
- 23 7. This order will not affect Pete Monighetti's ability to collect from the  
24 Borrower on the promissory notes or to receive compensation from the sale of the  
25 collateral securing repayment of that promissory note; and
- 26 8. This order will supersede any previous orders by this Court that might be  
deemed to conflict with the Order.

1 PREPARED AND RESPECTFULLY SUBMITTED BY

2  
3 **LEWIS AND ROCA LLP**

4 By /s/ John Hinderaker (AZ #018024)

5 Robert M. Charles, Jr.

6 John Hinderaker (*pro hac vice*)

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**LOCAL RULE 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

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